

**CITY OF CHULA VISTA
MINUTES
MOBILEHOME RENT REVIEW COMMISSION**

Wednesday, September 21, 2011
6:00 P.M. TIME CERTAIN PUBLIC START

**276 FOURTH AVENUE
CITY HALL COUNCIL CHAMBERS**

CALL TO ORDER/ROLL CALL – 6:01 P.M.

PRESENT: Steve Epsten, Rudy Gonzalez, Pat LaPierre, Sam Longanecker, Cesar Padilla, Mitch Thompson

ABSENT: Ramon Riesgo (excused)

STAFF: Stacey Kurz, Senior Project Coordinator
Simon Silva, Deputy City Attorney

1. UPDATE ON BRENTWOOD LITIGATION

Deputy City Attorney Silva provided a brief synopsis of the tentative and final decisions by the San Diego Superior Court, as follows:

Tentative Decision

- Tenants were not indispensable parties.
- MHRRC reviewed but dollar amount of \$45 does not support their decision, rather the increase should have been \$56 to support the MHRRC findings and 9% rate of return.
- No substantial evidence in the record to support the percentage proportion (60/40) for the electrical.
- Current owner not responsible for code violations.

Final Decision

- Ruled fire hydrant and electrical system were not code violations.
 - City asked for consideration of code violation documentation from Loretz (previous owner) litigation/code enforcement violation case which was part of the record and court denied.
- Redeemed decision back to the MHRRC.

The city is appealing the final decision, since the city believes the administrative bodies' decision was supported by the record. The court decision is stayed by the appeal process and therefore no current actions are permitted or required by the park owner or MHRRC.

Chair Padilla inquired if the case came back to the MHRRC if they would have to exclude the two items and recalculate the dollar amount since the court did not stipulate a dollar amount. Attorney Silva replied that he does not think the court's decision is that clear.

Member Epsten asked if the Loretz litigation was between the park owner and residents or city and Attorney Silva replied the litigation was with the city.

Member Thompson asked what the MHRRC would be required to look at and Attorney Silva responded that staff would prepare the record for consideration including the transcripts and how CVMC 9.50 applies.

Member Epsten asked if the city has privately negotiated with the park owner and Attorney Silva replied that the city had not.

Mobilehome Rent Review Commission

Minutes

Page 2 of 2

2. STAFF COMMENTS

None.

3. MEMBER'S COMMENTS

None.

4. PUBLIC COMMUNICATIONS

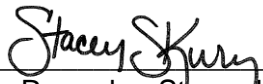
Penny Vaughn, President of Chula Vista Mobilehome Residents Association and GSMOL representative – Ms. Vaughn asked if there was an issue with the recordation of the code violations on the property before and after the new owner purchased and Attorney Silva stated that the court had not looked at that issue.

Chair Padilla announced at 6:35 p.m. that the meeting would now be closed to the public and would be reopened to resume with the agenda at an uncertain time. The closed session item was as follows:

5. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a)

❖ Brentwood MHP Investors, LLP v. City of Chula Vista, San Diego Superior Court Case No. 37-2010-00079506-CU-WM-SC

6. ADJOURNMENT – Chair Padilla called the meeting back to order, Attorney Silva indicated that there were no reportable outcomes from the closed session, and Chair Padilla immediately adjourned at 7:11 p.m. to the next regularly scheduled meeting of October 20, 2011, if needed.



Recorder, Stacey Kurz